

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ERIN PAPKEE,

PLAINTIFF

V.

MECAP, LLC, ET AL.,

DEFENDANTS

CIVIL No. 2:20-cv-06-DBH

**ORDER AFFIRMING RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

On March 26, 2021, the United States Magistrate Judge filed with the court, with copies to counsel, his Recommended Decision on Plaintiff's Motion to Dismiss & for Sanctions. The time within which to file objections expired on April 9, 2021, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The defendants' counterclaims are **DISMISSED WITHOUT PREJUDICE** and the following sanctions are **IMPOSED**:

1. The defendants are foreclosed from presenting at trial and in response to or in support of any dispositive motion any evidence that they were required to, but did not, provide in their initial disclosures in accordance with Federal

Rule of Civil Procedure 26(a), provided the information was not otherwise known to the plaintiff.

2. The defendants are foreclosed from presenting at trial and in response to or in support of any dispositive motion any evidence that they were required to, but did not, provide in response to the plaintiff's written discovery requests, provided the information was not otherwise known to the plaintiff.

SO ORDERED.

DATED THIS 13TH DAY OF APRIL, 2021

/s/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE